

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10

11 PETAR MRKONJIC,
12 Plaintiff,

13 v.

14 DELTA FAMILY -CARE
15 & SURVIVORSHIP PLAN, an ERISA
16 PLAN; DELTA RETIREMENT PLAN,
17 an ERISA plan; THE
18 ADMINISTRATIVE COMMITTEE OF
19 DELTA AIR LINES, INC., a plan
20 administrator, DOES 1 through 10,
21 inclusive,

22 Defendants.
23
24
25
26
27
28

Case No. 2:15-cv-2255-JAK-JC

JUDGMENT

JS-6

Judgment is entered in favor of Plaintiff and against Defendants on Plaintiff's claims that the decision of the Administrative Committee of Delta Air Lines, Inc. does not conform to the judgment entered in *Mrkonjic I*, No. CV 10-2087, ECF No. 114. Plaintiff is entitled to a payment based on the following formula from September 23, 2004 forward: long-term disability benefit amount he should be awarded, offset on a monthly basis by the sum of Social Security benefits, worker's compensation benefits, and retirement benefits; provided, however, if in any month, the offsets

1 exceed the long-term disability benefit amount, Plaintiff does not owe any amount as
2 over-payment. The correct recalculation of offsets results in a net amount of
3 \$74,114.43 owed by Defendants to Plaintiff as of August 1, 2018. This method of
4 calculation results in an ongoing obligation that Defendants shall pay Plaintiff \$46.52
5 on a monthly basis, so long as Plaintiff continues to meet eligibility criteria set forth
6 by the Plan, including but not limited to ongoing disability, and subject to future
7 changes if the offset amounts for Social Security benefits, worker's compensation
8 benefits, and/or retirement benefits change over time.

9 The Court awards Plaintiff the aforementioned \$74,114.43 as of August 1,
10 2018, plus pre-judgment interest at the rate called for by 28 U.S.C. § 1961 from
11 August 1, 2018, to the date of the entry of this judgment. The amount of pre-judgment
12 interest shall be calculated consistent with the Court's August 23, 2019 Order. Dkt.
13 86. The judgment is issued subject to post-judgment interest at the legal rate called
14 for by 28 U.S.C. § 1961.

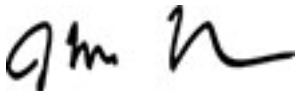
15 Defendants shall also pay \$146,320.00 in attorney's fees to Plaintiff pursuant
16 to the award made by the Court in this action.

17 The Court enters judgment in favor of Defendants and against Plaintiff on
18 Plaintiff's claim for life insurance benefits or premiums. Plaintiff shall collect
19 nothing on that claim.

20 Any award of costs shall be made in response to an appropriate application by
21 Plaintiff presented pursuant to the Local Rule 54. As provided in Local Rule 54-4,
22 the request for costs shall not include items taxable as costs on appeal.

23 IT IS SO ORDERED.

24
25 Dated: August 26, 2019



26 JOHN A. KRONSTADT
27 UNITED STATES DISTRICT JUDGE
28